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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,673	11/19/2001	Tsuyoshi Hirashima	M2047-29	5847

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EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/992,673	Applicant(s) HIRASHIMA ET AL.	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RD

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received on April 19, 2005.
Claims 1, 2, 8, 9, 15-17, and 19-30 have been amended.
Claims 1-30 are remain pending examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. Claims 1, 8, 15, 16, 23, and 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 16 recite the limitation "thereto". There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "thereof". There is insufficient antecedent basis for this limitation in the claim.

Claims 8, 15, 23, and 30 recite the limitation "result" renders these claims indefinite. It is not clear what term "result" relates to.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al (U.S. Patent No. 6,895,113).

6. As per claim 1, Baker et al teach a stored image delivery method comprising:

storing an image and color properties on a server, each of said color properties relating to attribute information specifying a terminal corresponding thereto (**see column 1, lines 17-36 and 55-67, abstract**);

acquiring, from a receiving terminal being connected to said server via a network, attribute information specifying said receiving terminal (**see column 3, lines 1-45, column 2, lines 33-38**);

color-converting on said server said stored image in accordance with a color property among said color properties to generate a color-converted stored image, said color property being specified by said attribute information received from said receiving terminal and delivering, from said server to said receiving terminal, said generated color-converted stored image (**see abstract, column 1, lines 15-36 and 47-67**).

7. As per claim 2, Baker et al teach a stored image delivery method, comprising:

receiving stored image selection information and receiving terminal attribute information specifying said receiving terminal from a WWW server (see column 3, lines 1-45, column 2, lines 33-38);

using an output profile corresponding to said attribute information of said receiving terminal (see column 1, lines 17-28, column 2, lines 32-38);

converting a stored image into a converted image in accordance with a color property of said receiving terminal specified by said attribute information, said color property being stored on said WWW server (see abstract, column 1, lines 17-35);

storing said converted image in a cache (see column 4, lines 55-65, abstract); and

notifying said WWW server of one of either positional information of said converted image stored in said cache or positional information of an HTML file linked with said converted image (see column 1, lines 30-55).

8. As per claim 3, Baker et al teach said output profile includes at least one combined attribute selected from the group consisting of colorimetric value, gamma coefficient, single-dimensional lookup table, three-dimensional lookup table, illumination information, color coordinate system converting equation, and output device ID (see column 1, lines 17-36, abstract).

9. As per claims 4 and 5, Baker et al teach an image that has already been color-converted and stored in said cache is diverted and color conversion is omitted (see column 4, lines 55-65).

10. As per claim 6, Baker et al teach said receiving terminal uses attribute information that has been saved in said receiving terminal during previous access to said WWW server (see **column 4, lines 55-65, column 3, lines 29-44**).

11. As per claim 7, Baker et al teach attribute information of said receiving terminal describes an actual type of said receiving terminal itself, said actual type being selected from a list in an HTML file that said receiving terminal has downloaded from said WWW server (see **column 1, lines 30-36, column 3, lines 1-13, abstract**).

12. As per claim 8, Baker et al teach said converting step further comprises:
comparing a device color reproduction range of said an input device that has created said stored image with a terminal color reproduction range of said receiving terminal to generate a result; switching said a color converting method according to the result; and converting, according to the switched color converting method, the stored image into the converted image in accordance with the color property of said receiving terminal specified by said attribute information (see **column 3, lines 1-45, column 4, lines 55-65, column 1, lines 30-36, abstract**).

13. As per claims 9-30, these claims contain similar limitations as claims 1-8 above, therefore are rejected under the same rationale.

Response to Arguments

14. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mogul et al (U.S. Patent No. 6,243,761)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

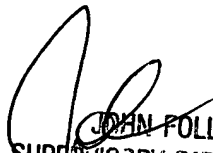
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2152

RR
July 13, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100